

Our Docket No: 350190

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF HERBERT MÄRKL  
Pursuant to 37 C.F.R. § 1.132

Box Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

I, Prof. Herbert Märkl hereby declare that:

1. I am the named inventor on U.S. Patent Application Serial No. 10/088,412, filed March 20, 2002.
2. I have reviewed the above-identified patent application, including the claims.
3. I have also reviewed the Office Action, mailed September 13, 2007, in the above-identified patent application.
4. I, along with Ralf Pörtner, are co-authors of the October 1998 publication entitled "Dialysis cultures," published in Appl. Microbiol. Biotechnol. (1998) 50:403-414.
5. Dr. Pörtner did not contribute to the conception of the invention claimed in U.S. Patent Application Serial No. 10/088,412. Therefore, any disclosure relating to the subject

matter of U.S. Patent Application Serial No. 10/088,412 in the cited 1998 publication was derived from the Applicant's own work and is not a publication "by others".

I, Herbert Märkl, hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under § 1001 of Title 18 of United States Code, and such willful or false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date: 05.03.08

  
Herbert Märkl